

ENTERED

January 03, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PETER STROJNIK,

Plaintiff,

VS.

LANDRY'S; dba THE POST OAK HOTEL,

Defendants.

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CIVIL ACTION NO. 4:19-CV-1170

ORDER ADOPTING MEMORANDUM AND ORDER

Pending before the Court in the above referenced proceeding is Defendant Landry's Inc. d/b/a The Post Oak Hotel's Motion to Dismiss Pursuant to F.R.C.P. 12(b)(1) for Lack of Article III Standing/Subject Matter Jurisdiction and F.R.C.P. 12(b)(6) for Failure to State a Claim upon Which Relief Can be Granted (Doc. No. 8); Plaintiff's Response (Doc. No. 10); Defendant's Reply (Doc. No. 11); and Judge Stacy's Memorandum and Recommendation (Doc. No. 18) that the Court grant the Defendant's Motion. There were no objections filed and the time for doing so has passed.

Upon review, the Court agrees with the Magistrate Judge's conclusion that Plaintiff lacks standing to assert an Americans with Disabilities Act claim and has not stated plausible ADA and negligence claims based on the contents of Defendant's hotel's website. Accordingly, it is hereby

ORDERED that the Memorandum and Recommendation Doc. No. 18) is **ADOPTED**.

It is further

ORDERED that Defendant Landry's Inc. d/b/a The Post Oak Hotel's Motion to Dismiss Pursuant to F.R.C.P. 12(b)(1) for Lack of Article III Standing/Subject Matter Jurisdiction and

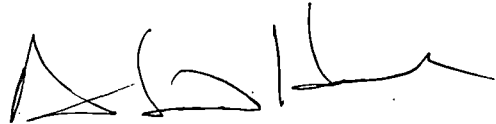
F.R.C.P. 12(b)(6) for Failure to State a Claim upon Which Relief Can be Granted (Doc. No. 8) is

GRANTED. It is further

ORDERED that Plaintiff's case is **DISMISSED WITH PREJUDICE.**

Entry of this Order shall constitute entry of Final Judgment.

SIGNED at Houston, Texas, this 2nd day of January 2020.

A handwritten signature in black ink, appearing to read 'A. S. Hanen', written over a horizontal line.

ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE